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COMMISSION ON HUMAN RIGHTS

Fifty-sixth session

SUMMARY RECORD OF THE 54th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 17 April 2000, at 6 p.m.

Chairperson: Mr. RODRÍGUEZ CEDEÑO (Venezuela)

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The meeting was called to order at 6.05 p.m.

PROMOTION AND PROTECTION OF HUMAN RIGHTS:

(a) STATUS OF THE INTERNATIONAL COVENANTS ON HUMAN RIGHTS;

(b) HUMAN RIGHTS DEFENDERS;

(c) INFORMATION AND EDUCATION;

(d) SCIENCE AND ENVIRONMENT

(agenda item 17) (continued) (E/CN.4/2000/89-96, 97 and Add.1, 121 and 145; E/CN.4/2000/NGO/7, 17, 23, 97, 107, 110, 121, 130-132, 134, 135 and 144; E/CN.4/1999/112 and Add.1; E/CN.4/Sub.2/1999/28 and Corr.1; E/CN.4/1998/84 and Add.1; E/CN.4/1997/105)

1. Mr. SALAMANDO (International Indian Treaty Council) said that the growing use of persistent organic pollutants was increasingly poisoning the Earth. Some toxins could travel long distances in air and water and accumulate in high concentrations thousands of kilometres from the place of original release. They could seriously affect humans, causing many types of ailment and disability. Indigenous peoples were chiefly affected, since their primary means of subsistence included hunting, fishing and gathering, and they were thus exposed to much greater concentration levels. Moreover, commercial pesticides banned in northern industrialized countries were still being used elsewhere. In some regions indigenous peoples were also exposed to leakages from abandoned defence facilities.

2. Such exposure violated indigenous peoples' fundamental human rights, including the provisions of article 1 to both International Covenants, to the effect that in no case might a people be deprived of its means of subsistence; it also violated article 24 of the Convention on the Rights of the Child, which referred to the dangers and risks of environmental pollution.

3. The current concept of risk assessment employed by industry and Governments disregarded human rights. His organization and the Indigenous Environmental Network therefore supported the steps taken by the United Nations Environment Programme with a view to a legally binding instrument for international action against the use of certain pollutants, and called upon the Commission to continue the mandate of the Special Rapporteur on toxic waste.

4. Mr. OWONA (International Young Catholic Students) said that, despite the desire for a culture of peace, human rights continued to be violated every day. Certain Powers sent armed groups to destabilize other countries; extremism was gaining ground where democracy once reigned; material inciting racial and religious intolerance was to be found on the Internet; the illegal acquisition and use of small arms and light weapons proliferated; and recent events in Kosovo and Chechnya exemplified the continuing toll of warfare. It was high time the international community showed the courage and determination to stand up for the equitable implementation of human rights everywhere. Sadly, five years after the launching of the United Nations Decade for Human Rights Education, no country was free from human rights violations.

5. To implement the recommendations contained in the Secretary-General's reports would require not only a solution to current human rights problems but the establishment of firm foundations for a true culture of peace and respect for human rights everywhere. The Commission was urged to draw the international community's attention to the urgent need to improve international cooperation in human rights education, at the national level as well as through United Nations bodies. It should also make its anniversary an opportunity to promote the establishment of a true culture of peace in the world.

6. Mr. ÖZDEN (Centre Europe-Tiers Monde) said that impunity violated the right to justice, truth, memory and reparation. Unfortunately, the Secretary-General's report (E/CN.4/2000/91) did not fully reflect the concerns voiced by his organization and the American Association of Jurists. The rights set forth in the International Covenant on Economic, Social and Cultural Rights formed an indivisible whole, which was more than the sum of the parts and implied notions such as liberty and dignity. In order to ensure better use of available resources and to end violations of those rights, the time had come to undertake an overdue reform of international financial institutions.

7. His organization encouraged promotion of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power (A/RES/40/34). It felt that the issue of violations of economic, social and cultural rights should be considered for possible inclusion in the mandate of the International Criminal Court; it also supported the Canadian proposal regarding the appointment by the Commission, at its fifty-seventh session, of an independent expert to study the question of impunity and its effect on human rights violations.

8. Mr. RAJKUMAR (Pax Romana) said that the Secretary-General had noted, in the Millennium Survey, widespread dissatisfaction with the level of respect for human rights, although most people around the world considered the protection of human rights to be the United Nations most important task. Support for efforts to defend human rights, including the response to General Assembly resolution 53/144, had been lukewarm; as the High Commissioner for Human Rights had said, there was a compelling need to take further measures to protect human rights defenders, and the human rights community looked to the Commission to adopt practical measures to implement the declaration adopted in that resolution.

9. Human rights defenders were exposed to violence everywhere, particularly by the State, supposedly the protector and promoter of human rights. A recent survey had shown that, in most countries, NGO defenders of human rights operated within an extremely fragile legal framework, subject, even in supposed democracies, to highly questionable restrictive government powers and to all forms of violence, frequently perpetrated with impunity. Pax Romana therefore requested the Commission to appoint a special rapporteur on human rights defenders and to urge member States, through its advisory and technical services, to take steps that would demonstrate their respect for the aforesaid declaration and provide adequate protection for human rights defenders.

10. Ms. MALLET (Soka Gakkai International) said that the focus of human rights education should be on the school system, especially at primary and secondary levels. But a United Nations document had revealed that few Governments provided facilities, including teacher training, for that purpose; at a recent subregional workshop organized by the Office of

the High Commissioner for Human Rights for countries of the Asia-Pacific region, it had been shown that human rights were not systematically covered in existing curricula, being generally integrated into other studies rather than constituting a separate subject.

11. It would be useful, therefore, to organize intergovernmental forums in order to exchange information on ways of promoting human rights education in schools. It was highly important, in any case, to provide additional human and financial resources for the United Nations human rights education programme, which should be continued even beyond the Decade for Human Rights Education. At the national level, the United Nations guidelines for national plans of action for human rights education offered a strategy, while the Universal Declaration of Human Rights provided the content, for developing human rights education in schools.

12. Mr. LITTMAN (Association for World Education) said that the Slavery Convention had defined slavery as the status or condition of a person over whom any or all of the powers attached to the right of ownership were exercised - a definition reiterated in the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery. Ironically, however, the definition was being avoided in approaches to current problems, in which the misleading term "abducted person" was increasingly used - for example, in relation to the situation in the Sudan, where the "abduction" of African women and children was but a prelude to their martyrdom.

13. His organization urgently called on the Commission, before the forthcoming vote on the Sudan, not to shrink from revealing slavery and the slave trade for what they really were. In particular, the Supplementary Convention, which Sudan itself had signed and ratified, allowed no different interpretation of the issue. He appealed to the Sudanese authorities to allow the tens of thousands currently enslaved in the north to return to their homeland in the south.

14. Mr. OSMAN YASSIN (Sudan), speaking on a point of order, said that the previous speaker had exceeded the time limit allowed for statements.

15. Mr. JULIA (France Libertés) drew the Commission's attention to the violence committed against human rights defenders in Sri Lanka and recalled, in particular, the assassination of Mr. Ponnambalam. The latter had defended many Tamils charged under the Prevention of Terrorism Act and had reported many serious cases of human rights violations; he had also been harassed by officials at the airport when leaving Sri Lanka to attend the Commission's fifty-third session. Despite reports about the assassination, no serious investigation had been undertaken, and Mr. Ponnambalam's family had denied statements that the killers had been identified. The Commission was requested to call on the Sri Lankan Government to set up an independent inquiry into the assassination.

16. His organization was also concerned about States' recourse to general reservations when ratifying international human rights instruments, which seriously eroded their value and application. Since those instruments were based on universally accepted obligations rather than simple reciprocity, the Vienna Convention provisions were not really adequate, and specific guidelines were needed with regard to reservations. One approach would be for treaty

depositories to enter into dialogue with signatory States with a view to discouraging the latter from making general reservations. He requested the Commission to set up a working group to consider specific guidelines in that regard.

17. Mr. SAINI (International Institute for Peace) voiced concern about the situation of human rights defenders in Pakistan. There had been no basis, legal or otherwise, for the military coup of October 1999 led by General Parvez Musharraf. The country's largest political party, forced into opposition, was courageously supported by many activists, especially women, in defence of civil rights, but looked to the international community for support in its struggle against a brutal, repressive military regime, which intimidated the judiciary and the media and restricted democratic expression. In particular, the world community could not afford to delay in addressing the fate of those incarcerated as a result of the recent coup d'état. Speedy action, with courage and conscience, would benefit not only the people of Pakistan but south Asia as a whole, and would send a clear signal around the world that democracy was the best arbiter of civil and political freedoms.

18. Ms. GANHDI (World Federation of Trade Unions) said that the report of the Human Rights Commission of Pakistan revealed that many of the problems afflicting that country stemmed from a policy and ideology which allowed no place for democratic norms or differing opinions. The promotion of human rights depended on general awareness, stemming from education and communication. But Pakistan suffered the impact of fundamentalist groups opposed to democracy, equality and religious freedom. High defence budgets, too, used up resources that ought to be devoted to education; according to a report by the Human Rights Commission of Pakistan, the country's education budget amounted to 1.6 per cent of GDP, compared to 11.2 per cent in Bangladesh and 10.7 per cent in Bhutan. Even India, which had a far larger resource base than Pakistan, spent 2.6 per cent of GDP on education. As a result, the field was open, in Pakistan, to religious institutions, whose teaching included arms training but denigrated scientific inquiry and modernization.

19. A State policy based on religious or racial exclusivity created institutionalized discrimination. The Commission and the world community should institute a programme of action to identify States that exercised such exclusivity and withhold resources from them until their policies were brought into line with the true preservation and promotion of human rights.

20. Mr. LAVASSANI (African Commission of Health and Human Rights Promoters) said that the Muslim Home for Human Rights, a partner of his organization, had always stressed the promotion of human rights through information and education. The Plan of Action of the United Nations Decade for Human Rights Education was essential in that regard, and the work of the Office of the High Commissioner and UNESCO, together with that of national and international NGOs, was welcome. Much remained to be done to close the wide gap between rich and poor in a world in which 25 per cent of the inhabitants lacked access to drinking water, 20 per cent were homeless and 15 per cent lacked the most basic health services. It was a paradox that in Africa, which contained some of the world's greatest natural wealth, there should be such overwhelming poverty; until the root causes of the latter were dealt with, there could be no true culture of peace.

21. At the recent Europe-African Conference in Cairo, a number of creditor countries had generously written off, in part or in full, African debts amounting to $350 billion. But a further exponential rise in indebtedness might well occur unless the political decision-takers and those who wielded the economic levers recognized the importance of solidarity, including the transfer of appropriate and well-managed technology in a spirit of solidarity. In that regard, the memorandum on coordination addressed by African human rights NGOs to the High Commissioner could serve as a valuable instrument.

22. Mr. KHAN (Association pour la Promotion de l'Emploi et du Logement) drew attention to the situation in Jammu and Kashmir, where human rights violations and difficulties faced by human rights activists were being reported. In the part of Kashmir controlled by Pakistan, civil and political rights remained suppressed and the region had been effectively reduced to colonial status. Demonstrations in Gilgit and Baltistan against Pakistan's arbitrary annexation of the area had been subjected to repression, and a number of human rights defenders had been arrested and kidnapped by State forces. The Chairman of the United Kashmir People's National Party had been illegally detained for over eight months, and other prominent human rights defenders had faced repression from the Pakistani authorities, in violation of the right to peaceful protest recognized by democratic Governments and the United Nations. He appealed to the Commission to persuade the Government of Pakistan to recognize the civil and political rights of the people in that part of Kashmir under its control and to protect the lives of human rights defenders working there.

23. Dr. GENEFKE (International Rehabilitation Council for Torture Victims) said that the protection of health professionals as human rights defenders was of particular concern, since the impartiality required of them under their code of ethics often made them the victims of criminal charges. In Turkey, Professor Veli Lök and Dr. Zeki Uzun, both well known and respected in their fields, had been questionably brought to trial because they treated torture victims regardless of their political beliefs and because of their ability to provide objective medical evidence relating to allegations of torture. Their case further highlighted the need for a special rapporteur on human rights defenders. The right of doctors to provide humanitarian treatment to all objectively should be universally upheld.

EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS

(a) TREATY BODIES

(b) NATIONAL INSTITUTIONS AND REGIONAL ARRANGEMENTS

(c) ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

(agenda item 18) (E/CN.4/2000/5, 98 and Add.1, 99-100, 102-104, 106 and 124; E/CN.4/2000/NGO/1, 24, 48, 84 and 133; A/54/336; E/CN.4/1998/85 and Add.1; E/CN.4/1997/74)

24. Mr. LIU Xinsheng (China) said that, since 1982, the countries of the Asia-Pacific region had held eight workshops on regional arrangements on cooperation to promote human rights

through international cooperation, based on mutual understanding and respect. China had consistently supported and actively participated in such cooperation; earlier that year it had hosted, in Beijing, the eighth such workshop, at which discussions had also related to the regional preparatory meeting for the forthcoming World Conference Against Racism. Over 40 of the region's countries had attended the event, which had provided a successful exchange of experience and a basis for further cooperation, highlighting once again the value of exchanges based not on confrontation but on equality and mutual respect.

25. The Asia-Pacific region, the world's most populous, contained a great variety of cultures, religions and traditions, with markedly different levels of economic and social development. Those factors, as had been noted during the workshop, had to be taken fully into account when establishing a regional human rights mechanism - a task to be approached gradually, pragmatically and systematically, through full consultations. China believed that the current active cooperation and strengthened exchanges constituted a correct step forward, and was prepared to take an even more active part in contributing to the cause of human rights within the region.

26. Mr. REYES RODRÍGUEZ (Cuba) reviewed the main points raised by his Government in its reply, pursuant to Commission resolution 1998/27, relating to enhancement of the long-term effectiveness of the United Nations human rights treaty system. The foremost need was for constructive, transparent dialogue with States parties as the only way to ensure the cooperation essential for effective implementation of international instruments. A clear system of equitable geographical distribution in membership of the treaty bodies was urgently required also. With regard to States parties' periodic reports, sources of information should be open to public scrutiny in order to prevent any political manipulation. And the work of the treaty bodies and certain Commission thematic proceedings, while some exchange of information and collaboration might be useful, should be carried out in strict observance of the respective mandates. In addition, the recourse to so-called emergency procedures, which could be abused for political ends, should be discontinued. The interval for the submission of periodic reports should be extended beyond the current four-year period, so as to alleviate the current burden on States parties and the treaty bodies themselves.

27. To establish a "rights-based approach" in the work of United Nations agencies, funds and programmes would require special attention because of the recognized imbalance among the notions of development, democracy and human rights; on the other hand, a "development-based approach" would help to promote the aims recognized in various United Nations conferences held during the 1990s. In that regard, the International Covenant on Economic, Social and Cultural Rights recognized the need for international cooperation with the developing countries; and the developed nations, in the Copenhagen Declaration on Social Development and Programme of Action, had reiterated their aim of allocating 0.7 per cent of their GDP to official development assistance. The Commission on Economic, Social and Cultural Rights could monitor that undertaking.

28. But the lack of progress towards greater efficiency in the work of the treaty bodies remained a matter for concern, despite the recommendations by the Vienna Conference and those contained in the Secretary-General's request to the Office of the High Commissioner (A/52/950). Cuba had followed with interest the work begun on the basis of Mr. Alston's

proposals, but was concerned at the apparent change of emphasis. It therefore called for transparency and the full participation of all those concerned, in particular States parties, in any efforts to enhance the work of the treaty bodies.

29. Since the Office of the High Commissioner was the body primarily responsible for ensuring that the work of the various human rights bodies was carried out, the question of the geographical composition and neutrality of its staff was of the highest importance. The situation remained unsatisfactory, however. The Group of Western European and other States had more staff assigned to the office than the rest of the world put together. Worse still, the developed countries made personnel available to the office at no cost, thus putting them at an advantage with regard to future vacancies. At the current session Cuba would be cosponsoring a draft resolution recommending the creation of a task force to consider matters such as recruitment and prior training, with a view to the occupation of more posts by staff from developing countries.

30. Mr. DESPOUY (Argentina) agreed with the previous speaker about the need for a more equitable geographical distribution of posts in the Office of the High Commissioner. His delegation welcomed the report on the meeting, held in May and June 1999, of rapporteurs, representatives and chairpersons of working groups; a true harmonization of tasks among such bodies, and between them and regional entities, would greatly enhance the effectiveness of human rights machinery.

31. Programmes of cooperation carried out by the Office of the High Commissioner with national institutions, such as those of his own country, were of great benefit. The Argentine Government was currently drawing up, in consultation with the Office, an ambitious programme to strengthen national human rights institutions, in which task non-governmental organizations would be able to provide valuable inputs.

32. During the Security Council's discussion, the previous February, of the security of United Nations personnel, Argentina, which had currently held the Presidency of the Council at the time, had itself stressed the need to enhance the security of United Nations staff and of other personnel associated with their humanitarian tasks at local levels. Argentina made a significant contribution, including troops, to peacekeeping operations and had carried out important humanitarian work through the creation of the "white helmets" - an Argentine initiative. More had to be done to resolve the difficulties faced in that regard, which stemmed not from a lack of international agreement but from the highly difficult situations in which such personnel had to work.

33. Mr. HILL (Observer for New Zealand) said that the problems relating to the human rights treaty bodies had been outlined elsewhere, notably in the report tabled in 1997 by Mr. Alston, an independent expert. Two key problems should be addressed as a matter of priority: the delayed submission, or non-submission, of States parties' periodic reports; and the lengthy backlog in considering those reports and individual communications. His delegation saw five broad areas in which early remedies were possible.

34. Firstly, efforts should be made to reduce the reporting burden, making reports shorter and concentrating on matters identified by the treaty bodies themselves. Secondly, the latter should strive to improve the efficiency of their working methods, by measures such as more extensive

use of pre-sessional working groups as well as harmonized rules of procedure. Thirdly, the increasing workload they undoubtedly faced made it vital for them to have requisite resources and administrative support, funded from the regular budget and voluntary contributions; his delegation strongly supported the priority the High Commissioner attached to that matter. The fourth need was to provide more technical help for States parties to comply with their reporting obligations. Fifthly, the treaty bodies should cooperate more among themselves and with other parts of the United Nations system, making greater use of the meetings of persons chairing treaty bodies, so as to share information, identify overlaps and even develop joint general comments.

35. The member delegations of Canada, Chile and Norway and the observer delegation of Australia had associated themselves with his statement.

36. Ms. KUÇURADI (Observer for Turkey) said that human rights institutions in Turkey consisted of four categories: research centres, government institutions, NGOs and entities on the borderline between the last two.

37. In 1991 the Grand National Assembly had established a human rights inquiry commission, which dealt with claims of violations relating to the police and prison service as well as those relating to events in neighbouring countries. In addition, a national advisory council for human rights, consisting of independent personalities, had been established by a decree of the Prime Minister; it had prepared a number of reports and, following one of its recommendations, two human rights courses had been introduced in schools in 1995. In 1996, the council had been superseded by a high coordination board for human rights, chaired by the State minister responsible for human rights; the Board had drafted a number of legislative changes for better protection of human rights, and in 1998 had established the National Committee on the Decade for Human Rights Education.

38. Many NGOs carried out human rights work in Turkey; they included organizations such as Amnesty International and the Helsinki Citizens Assembly. The Bar and Medical Associations, too, had human rights committees. The NGOs whose work directly related to human rights included the Human Rights Association, the Human Rights Foundation of Turkey and the Islamic Association of Human Rights. In addition, a further human rights foundation had been established in 1999 to publish human rights research for the general public. Turkey recognized that the protection of human rights was the common goal of all.

39. Ms. BOYKO (Observer for Ukraine) said that her country's submission of periodic reports to the various treaty bodies testified to the importance it attached to the reporting procedure. The treaty bodies themselves, through no fault of their own, faced growing delays in considering the reports submitted, and her delegation therefore appreciated the steps taken by the Secretary-General and the High Commissioner to enhance the long-term effectiveness of the treaty system. It welcomed the recommendations and comments contained in documents E/CN.4/2000/5 and E/CN.4/2000/98. Close cooperation between the treaty bodies and the special procedures was essential, and the first joint meeting of persons chairing treaty bodies and special rapporteurs, experts and working group chairpersons was welcome.

40. Ukraine had co-sponsored resolutions relating to the security of United Nations personnel; but it objected to the use, by some special rapporteurs, of out-of-date or unsupported

information - for example, in the report to the General Assembly of the Special Rapporteur on mercenaries (A/54/326) or that of the Special Rapporteur on religious intolerance (A/54/386), which contained unfounded accusations about Ukraine nationals serving as mercenaries and about religious intolerance in Ukraine. Her country was always ready discuss matters with special rapporteurs provided that facts and firm proofs could be shown.

41. The effective functioning of human rights mechanisms was closely related to the issue of reforming the Commission, to be discussed under agenda item 20. In that regard, her delegation supported certain proposals by the working group relating, in particular, to rationalizing existing mandates, urgent responses and the work of the Sub-Commission. It would also welcome a more comprehensive approach to the matter of procedures under Council resolution 1503 (XLVIII), as well as measures to avoid extreme politicization of human rights issues.

42. Mr. GOLEDZINOWSKI (Observer for Australia) said that independent, pluralistic national human rights institutions were one of the most effective mechanisms for upholding citizens' rights; Australia welcomed their growing establishment in many countries and valued their participation in the work of the Commission and its subsidiary bodies. The High Commissioner had rightly reiterated, at the opening of the session, that primary responsibility for upholding human rights rested with governments; and the latter were increasingly recognizing the value of national institutions for the tasks involved. Interaction between those institutions at bilateral, subregional, regional and global levels was becoming ever more important. The General Assembly, in resolution 48/134, had recognized that such institutions, in order to be fully effective, should be independent, adequately resourced, established by law and empowered to investigate human rights violations. In that regard, Australia commended the recent work of the International Coordinating Committee of National Institutions in promoting and assessing conformity with the principles enounced in that resolution, known as the Paris Principles, as well as the work of the High Commissioner's Office in supporting the establishment and development of such institutions. The work of the Asia-Pacific Forum of National Human Rights Institutions provided an impressive record of regional cooperation.

43. Mr. OBERLEITNER (Observer for Austria) said that universal ratification of at least the six core United Nations human rights treaties was the strongest foundation for the universal protection and promotion of human rights and should remain a top priority. The growing number of unacceptable reservations, however, ran counter to the spirit of such instruments; Austria, as a State party to the various instruments, would continue to object to such reservations. Full implementation of human rights depended, however, not solely on treaty ratification but also on adoption of appropriate provisions in domestic legislation and cooperation with the relevant treaty supervisory bodies.

44. The latter's effective functioning was essential to implementation of human rights instruments. Austria remained concerned about the growing problems in maintaining the reporting system and the individual complaints procedure, and welcomed steps to strengthen the mechanisms, in particular in the light of reports and recommendations stemming from the meetings of persons chairing human rights treaty bodies. Although some immediate measures had been identified, a long-term structural reform of the treaty body system was overdue.

Governments should participate in that task, as well as all United Nations agencies within their respective mandates, and greater coordination should be ensured between the treaty bodies themselves and the Commission's special procedures.

45. Mr. RAJA NUSHIRWAN (Observer for Malaysia) said that his Government, recognizing the worth of credible institutions to protect human rights, had decided, in 1999, to establish a National Commission on Human Rights, chaired by Mr. Musa Hitam, well known to the United Nations Commission, whose 1995 session he had chaired. The National Commission's membership had received broad public support, and its statutory powers enabled it, inter alia, to look into any alleged human rights infringement, visit places of detention, issue public statements, make recommendations to the Government about accession to international instruments and promote public education on human rights. Malaysia also participated actively in the work of the Asia and Pacific region, and commended the Chinese Government for hosting the eighth workshop on regional cooperation. The results already achieved in the four priority areas identified at the 1998 Tehran Workshop, which had adopted the Framework for Regional Technical Cooperation, was something of which all the participating countries could be proud. While Malaysia encouraged the establishment of national human rights institutions, however, it believed that countries that did not have them should not on that account be stigmatized for a lack of commitment to human rights. The human rights project should embrace all shades of opinion.

46. Mr. DANENOV (Observer for Kazakhstan) said that an important feature of his country's domestic policy was the establishment, on a legal basis, of national human rights institutes. In that regard, the Constitution's relevant provisions fully complied with international human rights legislation. With a view to an improved monitoring system, a human rights commission had been established in 1994, under the auspices of the Office of the President of the Republic. Over the five years of its activity, it had harmonized procedures with other institutions, the courts, the Office of the Procurator and the militia, and citizens themselves had become accustomed to availing themselves of its services. Its increasingly professional approach and experience had fostered improvements in dealing with cases, respect for court decisions and reform of State human rights policy. In that regard, the Government and the commission were grateful for the financial assistance provided by UNDP in helping the commission to become a viable, self-sufficient institution.

47. In 1998 the Kazakhstan Government had signed a Memorandum of Mutual Understanding with the Organization for Security and Cooperation in Europe, relating to a programme of technical assistance for the establishment of an ombudsman; and in 1999 Kazakhstan with assistance from the Office of the United Nations High Commissioner and UNDP, had initiated, the holding of the fifth international seminar on the office of ombudsman and the development of human rights protection institutes in Eastern Europe and the CIS. Over 25 countries had been represented and had issued a joint statement stressing the responsibility of State and Government for the protection of human rights in accordance with basic international principles and standards.

48. Mr. LITTMAN (Association for World Education) referred to the statement contained in document E/CN.4/2000/NGO/1 relating to the need to consider how the Commission could interact better with the representatives of armed movements involved in intra-State conflicts; he

thanked all those, including such representatives, who had commented on the document and associated texts. He was aware that consensus was lacking on how to proceed, and there was some opposition to the idea of allowing armed movements to achieve negotiation status through violence - although precedents did exist. It had also been suggested that special representatives of the Secretary-General staff of the High Commissioner and NGOs, could play a more important role than hitherto in the mediation of armed conflicts. His organization appreciating the need to build upon solid governmental consensus, was pleased that many Government representatives took the issue seriously. Since, however, such conflicts were growing in number and intensity, a lead should be taken in seeking new ways of dealing with them.

49. His organization therefore proposed three steps. Firstly, the value and effectiveness of non-violent methods to oppose repression and safeguard dignity should be promoted. Secondly, Governments and NGOs should firmly pursue efforts to set out fundamental standards of humanity and see that they were understood by all actors in armed conflicts. Thirdly, the agents in intra-State armed conflict, and the nature of armed leadership, should be analysed and understood, and the agents working for peace and compromise identified. For that purpose, capacity in the Office of the High Commissioner for country-specific intelligence should be increased and cooperation enhanced within the United Nations system by field workers of programmes and specialized agencies. In addition, there should be timelier exchange of information and analysis in order to tackle intra-State conflicts in their early stages.

50. Ms. AYE HLA PHYU (Asian Legal Resource Centre) said that Asian countries had been promising, for some time, to establish national human rights commissions, and some had already done so. Even where they had been established, however, problems of effectiveness persisted. In India, the National Human Rights Commission had no power to take binding decisions. Despite the many complaints it received, the commission's investigative option was very rarely exercised, and it was forced to rely on the machinery of the very state governments against which most complaints were made. In Sri Lanka, the National Human Rights Commission's record was characterized by the same bureaucratic methods and delays that such an institution was supposed to challenge. It handled complaints of torture through private discussions instead of the type of open inquiry it was empowered to conduct. The national commission itself, therefore, was largely responsible for the lack of public confidence it inspired; given the difficult and dangerous situation in the country, its performance could be considered appalling.

51. Mr. SUHAS CHAKMA (South Asia Human Rights Documentation Centre) said that national human rights institutions in the Asia-Pacific region had manifestly failed, and NGOs and the public had little enthusiasm for them. In India, with a population of 1 billion, a commission with a staff of barely more than 250 was woefully inadequate. It had done little to deal with the workload of pending complaints, which reportedly numbered about 80,000. It had, however, made a welcome petition, keenly followed by NGOs, to the Supreme Court about the prosecution of border security personnel responsible for killings in Kashmir. But it had not implemented the Supreme Court's directions, beyond appointing a special rapporteur, in the case of the statelessness of the Chakmas and Hajongs of Arunachal Pradesh.

52. In the Philippines, the National Human Rights Commission had investigated some extrajudicial killings reportedly perpetrated by armed opposition groups but had failed to investigate other such executions reportedly committed by government forces. In Australia, the

Government had made substantial cuts in the budget of the Human Rights and Equal Opportunity Commission. In Sri Lanka, the national commission suffered, inter alia, from a restrictive mandate, which prevented it from initiating action or from insisting, for example, on the requirement that security forces should notify it within 48 hours of any arrests. In Indonesia, the national commission had made commendable efforts to deal with the difficult problems there; it was hoped that it would soon become a statutory member of the Commission. In Nepal, although a human rights commission act had been passed in 1996, the Government had not yet formed the commission, despite a Supreme Court directive in 1999 to appoint the membership. In Bangladesh, legislation on human rights institutions had still not been brought before Parliament, over a year after a draft bill had been announced - although the Government had meanwhile brought out a draconian public safety act.

53. According to the Human Rights Commission of Malaysia Bill, 1999, human rights referred to fundamental liberties as enshrined in the Federal Constitution. But a restrictive definition of human rights, in which the provisions of a federal constitution prevailed over those of the Universal Declaration, and selection by the Prime Minister of the membership of the national commission, did not make the latter a credible institution. Given such situations, NGOs were carefully monitoring the establishment of human rights institutions in Thailand and Pakistan.

54. Mr. WALDEN (Consultative Council of Jewish Organizations), speaking also on behalf of the World Jewish Congress, the Association of Jewish Lawyers and Jurists, the International Council of Jewish Women, the Coordinating Board of Jewish Organizations and the World Union of Progressive Judaism, drew attention to two issues. The first related, surprisingly, to Canada, a country rightly regarded as upholding the highest human rights standards. The reply to a complaint that the province of Ontario granted public funding to Catholic schools but not to those of other dominations, had been that the provincial government had refused to provide a remedy pursuant to article 26 of the International Covenant on Civil and Political Rights, the Federal Government reportedly being empowered only to ask it to do so. Canada's treaty obligations, however, were surely binding on the provinces no less than on the federal government, as provided by article 50 of the Covenant. The Canadian authorities should heed the finding of the Human Rights Committee, namely that article 26 had been violated, and the terms of General Assembly resolution 54/157, which emphasized the strictest compliance by States parties with their obligations under the Covenant. Canada's failure to comply with the Committee's findings could establish an unfortunate precedent.

55. The second issue, noted by the Commission's Special Representative on the situation of human rights in the Islamic Republic of Iran, related to 13 members of the Jewish community in that country charged with espionage, denied access to a lawyer of their choice and detained for at least 10 months without trial. The Special Representative had requested assurances that the accused would be accorded their rights under international human rights norms but had received no reply. Although the trial had commenced, it was being held behind closed doors and the accused had been forbidden either to choose their own lawyers or to conduct their own defence. The organizations he represented therefore called on the Iranian authorities to conduct the proceedings in open court, with observers present.

56. Ms. PEROUT (Canadian Human Rights Foundation) said that her organization helped in preparing special educational programmes to support the development of independent national human rights institutions, working at national and regional levels. It had hitherto focused on Asian countries but expected to carry out similar work in Africa and the Commonwealth of Independent States.

57. Her Foundation congratulated the High Commissioner and the Special Adviser on national institutions for encouraging member States to establish and develop such bodies. The latter, in order to be effective, needed a broad mandate and a substantial degree of independence, as well as adequate powers and resources. They should be accessible to victims, accountable to the public and State authorities alike, and committed to collaboration with civil society and NGOs. They also required energetic leadership in the face of any resistance. Pluralist membership was essential, particularly women's participation. The international community should be wary of any government attempts to set up institutions failing to meet those minimum criteria. Such institutions should also be ready to avail themselves of NGOs' often invaluable experience.

58. Ms. STOTHARD (Aliran Kesedaran Negara - National Consciousness Movement) said that basic access by human rights defenders and other sectors of civil society to regional and government structures in South-East Asia had generally been extremely limited and, in some countries, the establishment of national human rights commissions had been cynically aimed at containing human rights concerns and perhaps even justifying violations. In Malaysia, it was ironic that more than 50 people had been arrested during a brutal crackdown at the very time the establishment of a national human rights commission had been announced. There were serious concerns about the commission's effectiveness; the recent crackdown, for example, had elicited no response at all from its head, while national bodies such as the judiciary and the Elections Commission had become notorious for lack of independence.

59. The ASEAN pattern of a wrong approach where human rights were concerned was being repeated in Myanmar, where the notorious regime planned to set up a human rights commission with the help of the Australian Government; but neither government should be contemplating such a move without a prior commitment to human rights and to instruments such as the international covenants.

60. Mr. WARNER (Pax Christi International) speaking with the support of the Association for the Prevention of Torture, Franciscans International, Dominicans for Justice and Peace, the Global Justice Center, the Brazilian National Human Rights Movement, FASE and the CPT said that many Governments acted as though the ratification of human rights treaties was itself enough to protect human rights. As a result, many periodic reports under the six core treaties were long overdue, and many countries further failed to cooperate with special rapporteurs, representatives and working groups.

61. Brazil, for example, although it had ratified all six core treaties, had failed to recognize the right of individual petition afforded under several of them. Secondly, the Special Rapporteur on questions of torture had received no invitation to visit that country, despite repeated requests and mounting evidence of routine torture there. Thirdly, Brazil had failed to submit 15 required reports, some of which were long overdue; and its internal policy neglected economic, social and

cultural rights. A group of Brazilian NGOs had therefore decided to visit Geneva to seek help in urging the Government to comply with its obligations. Pax Christi International called on Brazil and other non-complying States to comply fully with the obligations assumed under international human rights treaties.

62. Mr. SALAMANDO (International Indian Treaty Council) said that his organization continued to receive information about infringements of their rights of Colombia's indigenous peoples, including intimidation by the military during attempts at peaceful demonstration against violations of their territorial rights, particularly by the Government and transnational corporations in the development of hydroelectric schemes and other projects involving forced population displacements. Although the Government asserted that all such measures had taken place only after due consultation, it was clear that Colombia failed to respect ILO Convention 169, to which it was a signatory, which required that consultations should be held in good faith and lead to freely given consent to any proposals. Even if the consultations reported to the Commission by Colombia conformed to domestic legislation, the events reported, including demonstrations of opposition supported by the country's indigenous movements, clearly showed that the provisions of relevant international treaties were being contravened. Human rights mechanisms could function effectively only if all States parties showed the political will to seek solutions which fully respected human rights obligations; otherwise the terms of human rights instruments would remain mere aspirations.

The meeting rose at 8.50 p.m.